

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-first Legislature First Regular Session - 2011

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 193, As Amended

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-1004, IDAHO CODE, TO PROVIDE THAT IN CERTAIN ACTIONS OR PROCEEDINGS THE COURT SHALL REQUIRE A SECURITY, TO PROVIDE THAT IN CERTAIN FINAL JUDGMENTS OR FINAL DECISIONS THE COURT SHALL DETERMINE AN AMOUNT OF MONEYS TO BE AWARDED AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 49-1004, Idaho Code, be, and the same is hereby amended to read as follows:

49-1004. PERMITS FOR OVERWEIGHT OR OVERSIZE LOADS -- SPECIAL PILOT PROJECT ROUTES AND ANNUAL PERMITS. (1) Upon application in writing to the board or other proper authorities in charge of, or having jurisdiction over a highway, the board or authorities may in their discretion issue a special permit to the owner or operator of any vehicle allowing vehicles or loads having a greater weight or size than permitted by law to be moved or carried over and on the highways and bridges.

(a) Special permits shall be in writing and may limit the time of use and operation over the particular highways and bridges which may be traversed and may contain any special conditions and require any undertaking or other security as the board or other proper authority shall deem to be necessary to protect the highways and bridges from injury, or provide indemnity for any injury to highways and bridges or to persons or property resulting from such operation.

(b) The owner or operator of an overweight or oversize vehicle shall obtain a permit, or shall establish intent to obtain a permit by contacting a permit office and receiving a permit number before moving the vehicle on the highways.

(c) All special permits or evidence of intent to obtain a permit, shall be carried in the vehicles to which they refer and shall upon demand be delivered for inspection to any peace officer, authorized agent of the board or any officer or employee charged with the care or protection of the highways.

(2) Nonreducible vehicles or combinations of vehicles hauling nonreducible loads at weights in excess of those set forth in section 49-1001, Idaho Code, shall pay fees as set forth in this subsection (2). Such fees are based on the number of axles on the vehicle or combination of vehicles and the total gross weight.

	Column 1	Column 2
	Gross weight of vehicle and load in pounds	Gross weight of vehicle and load in pounds
2		
3	Number of axles	
4	2	40,001
5	3	54,001
6	4	68,001
7	5	80,001
8	6	97,001
9	7	114,001
10	(a) To determine the maximum allowable permit fee for vehicles with	
11	more than seven (7) axles, the table can be extended by adding seventeen	
12	thousand (17,000) pounds to the last listed weight in both columns 1 and	
13	2 for each added axle.	
14	(b) Permit fees for column 1 shall start at four cents (4¢) per mile	
15	and increase four cents (4¢) per mile for each additional two thousand	
16	(2,000) pound increment up to the weight indicated in column 2. Per-	
17	mit fees for column 2 shall start at one dollar and two cents (\$1.02)	
18	per mile and increase seven cents (7¢) per mile for each additional two	
19	thousand (2,000) pound increment.	
20	(c) Vehicles operating at weights less than the starting weights per	
21	axle configuration listed in column 1 shall be charged four cents (4¢)	
22	per mile.	
23	(d) For vehicles operating with axles wider than eight (8) feet six (6)	
24	inches or axles with more than four (4) tires per axle, the fee may be	
25	reduced by the board or other proper authority having jurisdiction over	
26	a highway.	
27	(3) It shall be unlawful for any person to violate, or to cause or permit	
28	to be violated, the limitations or conditions of special permits and any vio-	
29	lation shall be deemed for all purposes to be a violation of the provisions of	
30	this chapter.	
31	(4) An annual special pilot project route permit authorizing travel on	
32	pilot project routes shall be issued by the board or may, in its discretion,	
33	be issued by a local public highway agency for operation of vehicles with a	
34	legal maximum gross weight of at least one hundred five thousand five hun-	
35	dred one (105,501) pounds but not exceeding one hundred twenty-nine thousand	
36	(129,000) pounds. Such pilot project routes on nonstate and noninterstate	
37	highways shall be determined by the local highway agency for those roads un-	
38	der its jurisdiction. No local public highway agency shall approve a pilot	
39	project route which provides a thoroughfare for interstate carriers to pass	
40	through the state. State pilot project routes designated by the legislature	
41	and identified on a map entitled "Designated Pilot Project Routes" are:	
42	(a) US-20 Montana border to its junction with SH-33; SH-33 to its junc-	
43	tion with US-20; US-20 to its junction with US-93; US-93 to its junc-	
44	tion with SH-25; SH-25 to its junction with SH-50; SH-50 to its junction	
45	with US-30; US-30 to its junction with SH-74; SH-74 to its junction with	
46	US-93; US-93 to the Nevada border.	
47	(b) US-91 from its junction with SH-34 to the Utah border.	
48	(c) US-30 from its junction with I-15 to the Wyoming border.	
49	(d) US-95 south from milepost 66 (Fruitland) to its junction with	
50	SH-55.	

- 1 (e) SH-19 from its junction with US-95 (Wilder) to its junction with
- 2 I-84B (Caldwell).
- 3 (f) SH-78 from its junction with SH-55 (Marsing) to its junction with
- 4 SH-51; SH-51 to its junction with SH-78; SH-78 to its junction with
- 5 I-84B (Hammett).
- 6 (g) SH-67 from its junction with SH-51 (Mountain Home) to its junction
- 7 with SH-78 (Grandview).
- 8 (h) SH-55 from intersection with Farmway Road to junction with US-95.
- 9 (i) SH-25 from its junction with SH-24 to its junction with SH-27
- 10 (Paul).
- 11 (j) SH-25 from its junction with US-93 to milepost 27 (Hazelton).
- 12 (k) SH-24 from intersection with US-93 to its intersection with SH-25.
- 13 (l) US-20 from its intersection with New Sweden Road to its junction
- 14 with SH-22/33.
- 15 (m) SH-34 from milepost 78 to the junction with US-91.
- 16 (n) US-26 from its junction with US-91 north to its intersection with
- 17 Gallatin/West 23rd Street in Idaho Falls.
- 18 (o) US-91 from the intersection with Canyon Road to the junction with
- 19 US-26.
- 20 (p) SH-22 from its junction with I-15 northbound ramps (Dubois) to its
- 21 junction with SH-33.
- 22 (q) SH-45 from its junction with SH-78 to its junction with I-84 busi-
- 23 ness loop; I-84 business loop to its junction with exit 35 (Nampa Boule-
- 24 vard/Northside Boulevard).
- 25 (r) SH-87 from Montana border to junction with US-20.
- 26 (s) SH-33 from its junction with SH-31 (Victor) to its junction with
- 27 SH-33 spur; SH-33 spur to its junction with US-20.
- 28 (t) SH-28 from junction with SH-22 to junction with SH-33.
- 29 (u) SH-38 from milepost 0.689 to milepost 1.318 at Malad.
- 30 (v) SH-27 from its junction with SH-25 (Paul) to its junction with I-84B
- 31 (Burley); I-84B to its junction with SH-27; SH-27 to milepost 0 (Oak-
- 32 ley).
- 33 (w) SH-81 from its junction with SH-77 (Malta) to its junction with
- 34 US-30 (Burley).
- 35 (x) US-30 from junction with SH-81 at Burley to junction with SH-50 at
- 36 Kimberly.
- 37 (y) US-93 spur from junction with US-30 to junction with US-93 at Twin
- 38 Falls.
- 39 (z) US-93 from junction with US-93 spur to junction with US-30 at Twin
- 40 Falls.
- 41 (aa) US-30 from junction with SH-74 at Twin Falls to junction with I-84
- 42 business loop at Bliss.
- 43 (bb) US-26 from its junction with SH-75 (Shoshone) to its junction with
- 44 I-84 exit 141 westbound ramps (Bliss); I-84 business loop from its
- 45 junction with I-84 exit 141 westbound ramps to its junction with US-30
- 46 (Bliss).
- 47 (cc) SH-46 spur from its junction with SH-46 (Wendell) to its junction
- 48 with I-84 exit 155 eastbound ramps.
- 49 (dd) SH-46 from its junction with US-20 to its junction with I-84 exit
- 50 157 eastbound ramps (Wendell-).

(ee) US-20 from junction with US-93 at Carey to junction with I-84 business loop at interchange 95; I-84 business loop from interchange 95 to junction with SH-51; SH-51 to junction with SH-67.

(ff) SH-51 from junction with SH-67 to junction with SH-78.

(gg) SH-44 from its junction with SH-55 (Eagle) to its junction with I-84 exit 25 eastbound ramps.

(hh) US-20/26 from its junction with US-95 (Parma) to its junction with I-84 exit 26 westbound ramps.

(ii) US-20 from junction with US-33 at Sugar City south to junction with US-20 business loop/Holmes Avenue; US-20 business loop/Holmes Avenue south to junction with US-26/Yellowstone; US-26 from intersection with US-20 business loop/Holmes Avenue south to Gallatin.

Additions or deletions to the approved state pilot project routes specified in this subsection (4) shall be made only with the approval of the state legislature.

(5) An annual administrative permit fee for operating on pilot project routes at the weights specified in subsection (4) of this section shall be set by the board for travel on state pilot project routes and by the local public highway agency for travel on routes under its jurisdiction, but not to exceed a maximum of fifty dollars (\$50.00) per vehicle. The annual administrative permit fee shall cover administrative costs. Local public highway agencies are authorized to issue special pilot project permits and such permits shall be in writing. Administrative permit fees for permits issued by a local public highway agency shall be retained by the local public highway agency to cover administrative costs, and administrative permit fees for permits issued by the department shall be retained by the department to cover administrative costs. In addition to the annual administrative permit fee and the appropriate registration fee for weights up to one hundred five thousand five hundred (105,500) pounds, the appropriate vehicle registration fees for weights over one hundred five thousand five hundred (105,500) pounds shall be calculated and collected in accordance with the fee schedules set forth in section 49-432 or 49-434, Idaho Code.

(6) (a) In any action or proceeding brought for the purpose of setting aside a special permit issued pursuant to this section, in which any party seeks a stay or seeks a temporary restraining order or preliminary injunction against the department, other appropriate authority, the state of Idaho or the party requesting the permit, the court shall require security as provided in rule 65(c) of the Idaho rules of civil procedure, in an amount equal to not less than five percent (5%) of the shipper's or transporter's insured value of the product or material to be transported under the provisions of the permit. If any attorney fees and/or costs are awarded to the department, such security may be used to satisfy that award and all such awarded amounts shall be paid to the state highway account as established in section 40-702, Idaho Code.

(b) In a final judgment or final decision in an action or proceeding brought for the purpose of setting aside a special permit issued pursuant to this section, and where such final judgment or final decision is against the party or parties who brought such action or proceeding, the court shall determine the amount of moneys lost, if any, by the defendant party's or parties' business or businesses as a result of such

1        action or proceeding and shall award such amount to the defendant party  
2        or parties.

3        SECTION 2. An emergency existing therefor, which emergency is hereby  
4        declared to exist, this act shall be in full force and effect on and after its  
5        passage and approval.